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10/540,115	12/30/2005	Michael Leslie Norman	04465/019001	1570
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OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			CASCA, FRED A	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			10/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
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**Office Action Summary**

Application No.

10/540,115

Applicant(s)

NORMAN, MICHAEL LESLIE

Examiner

Fred A. Casca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/20/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8, 10-21, and 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Roeseler et al (US 6,317,684 B1).

Referring to claim 1, Roeseler discloses a wireless communication apparatus (abstract, “method for route planning”) including voice transmission means (col. 1, lines 50-51, “via voice”) characterized in that there is included a location position determination means adapted to output data which uniquely characterizes a geographic location of the apparatus (fig. 1, col. 1, lines 20-21, “GPS”), and means adapted upon an initiation of a close of a voice transmission from said apparatus (col. 2, lines 28-50, “intermittent mode navigation mode”) to effect transmission of data arising from the position determination means whereby such data can effect an identification of the said location which can be interpreted by further receiving means (Figs. 2-7 and col. 25-50, col. 3, lines 35-50, “throughout the caller’s route, the route planning and navigation unit may receive updated road condition”).

Referring to claim 2, Roeseler discloses a wireless communication apparatus as in claim 1 further characterized in that there are means to receive and store said output data

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from the position determination means in digital form (Fig. 1, and col. 3, lines 25-35, "GPS").

Referring to claim 3, Roeseler discloses the wireless communication apparatus of claim 1 further including means to detect an initiation of the close of a transmission status either until the output data is transmitted or for a sufficient time to allow for the output data to be transmitted (col. 2, lines 28-50, "intermittent mode navigation mode").

Referring to claim 4, Roeseler discloses the wireless communication apparatus of claim 1 wherein the initiation of the close of a transmission is by release of a transmit button (col. 2, lines 20-30, "phone", note that a phone has buttons to activate specific functions).

Referring to claim 5, Roeseler discloses the wireless communication apparatus of claim 1 including means to receive data indicating the geographic location of a further such apparatus (figures 2-7).

Referring to claim 6, Roeseler discloses the wireless communication apparatus of claim 5 further including means to recognize the receipt of geographic location data and means to identify the identity of the source of such data, means to interpret the data to provide location information and the time of transmission and means to transfer such information to a display means (figures 2-7 and col. 1, lines 10-65).

Referring to claims 10-13, claims 10-13 define a network for transmission reciting features analogous to the features of the wireless communication apparatus defined by

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claims 1-3 and 5 respectively (as rejected above). Thus, Roeseler discloses all elements of claims 10-13 (please see the rejection of claims 1-10 above).

Referring to claim 14, claim 14 define a network for transmission reciting features analogous to the features of the wireless communication apparatus defined by claims 1 (as rejected above). Thus, Roeseler discloses all elements of claims 14 (please see the rejection of claim 1 above).

Referring to claim 15, Roeseler discloses a wireless network as in claim 10 wherein the data transmission further includes modem synchronizing information transmitted prior to payload data transmission and the payload data itself includes an identification of the source, and global positioning data (figs. 1-2, note that GPS includes modem synchronization).

Referring to claim 16, claim 16 define a wireless data and audio communication network reciting features analogous to the features of the wireless communication apparatus defined by claims 1 (as rejected above). Thus, Roeseler discloses all elements of claims 16 (please see the rejection of claim 1 above).

Referring to claim 17, Roeseler disclose a wireless data and audio communication network of claim 16, wherein upon a transmission initiation switch being opened there are means which are adapted to time a delay in closing down of transmission for a sufficient period to allow for the positioning data to then be transmitted (figures 2-7, note a time delay is inherently in the processing of location determination).

Referring to claim 18, Roeseler discloses a wireless data and audio communication network of claim 16 wherein the network is further characterized in that

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an opening of the transmit connect switch to effect a ceasing of transmission effects a data transfer from the mobile station of the positioning data together with a modem set up synchronizing data sequence for the base station (Figs. 2-7, note the decisions based on the flow charts of figures 4-7 inherently have electric switches to implement physical transmission based on those decisions).

Referring to claims 19-21, claims 19-21 define a network, a method, and yet another method reciting features analogous to the features of the wireless communication apparatus defined by claims 1 (as rejected above). Thus, Roeseler discloses all elements of claims 19-21 (please see the rejection of claim 1 above).

Referring to claim 3, Roeseler disclose the wireless communication apparatus of claim 2 wherein the initiation of the close of a transmission is by release of a transmit button (col. 2, lines 20-30, "phone", note that a phone has buttons to activate specific functions).

Referring to claim 24, Roeseler discloses the wireless communication apparatus of claim 3 wherein the initiation of the close of a transmission is by release of a transmit button (col. 2, lines 20-30).

Referring to claim 25, Roeseler disclose the wireless communication apparatus of claim 2 including means to receive data indicating the geographic location of a further such apparatus (figures 1-4, "Determine caller's current position").

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Referring to claim 26, Roeseler disclose the wireless communication apparatus of claim 3 including means to receive data indicating the geographic location of a further such apparatus (figures 1-4, "Determine caller's current position").

Referring to claim 27, Roeseler disclose the wireless communication apparatus of claim 4 including means to receive data indicating the geographic location of a further such apparatus (figures 1-4, "Determine caller's current position").

Referring to claim 28, Roeseler disclose the network of claim 11 wherein the second station is a base station, adapted to receive the data transmitted by one or more such first stations (claim 2, "cellular").

Referring to claim 29, Roeseler disclose the network of claim 11 wherein the second station includes means to recognize the receipt of the data and include means to identify the identity of the source of such data, the location information and the time of transmission and means to transfer such data to a display means (figures 1-4 and col. 4, lines 2-15 and lines 47-61).

Referring to claim 30, Roeseler discloses the network of claim 12 wherein the second station includes means to recognize the receipt of the data and include means to identify the identity of the source of such data, the location information and the time of transmission and means to transfer such data to a display means (Figs. 1-5, and col. 3, lines 10-60).

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Referring to claim 31, claim 31 defines a network reciting features analogous to the features of the network defined by claims 18 (as rejected above). Thus, Roeseler discloses all elements of claims 31 (please see the rejection of claim 18 above).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roeseler et al (US 6,317,684 B1).

Referring to claim 7, Roeseler disclose the wireless communication apparatus of claim 5 wherein the display means is an electronic means to which data is transferred digitally (col. 1, 10-35).

Referring to claim 8, Roeseler discloses the wireless communication apparatus of claim 5.

Roeseler does not disclose the display means is a manual means to which data is transferred manually.



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It would have been an obvious design choice to modify the method of Roeseler by limit the transfer to data to only manual transmission, since the applicant has not disclosed or that having the manual transmission solves any stated problems or is for any particular purpose and it appears the non-manual transmission would perform equally well in determination of location.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roeseler et al (US 6,317,684 B1) in view of well known prior art (MPEP 2144.03).

Referring to claim 9, Roeseler discloses the wireless communication apparatus of claim 1,.

Roeseler fails to specifically disclose the data transmission is through frequency shift keying.

The examiner takes official notice of the fact that the FSK transmission scheme is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the apparatus of Roeseler by incorporating the teachings of well known art, for the purpose of providing extra reliability in the transmission of digital and immunity to "adverse environment" and noise.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER